

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Robert Peterson,

Plaintiff,

vs.

Ronald Myers; Sgt. Legette; Sgt. Waters; and
Officer Washington,

Defendants.

C/A No. 2:09-1800-JEA-RSC 14 P 3:03

ORDER

The *pro se* plaintiff, Robert Peterson, brings this action pursuant 42 U.S.C. § 1983 alleging that the defendants have violated his constitutional rights. At the time of the filing of this action, he was incarcerated at the South Carolina Department of Corrections.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation and opines that the defendant's motion for summary judgment² should be granted. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation and without a hearing.

The plaintiff was advised of his right to file objections to the Report and Recommendation, which was entered on the docket and a copy mailed to plaintiff on

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

² An order was issued pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975) notifying plaintiff of the summary dismissal procedure and possible consequences if he failed to adequately respond to the motion for summary judgment. Plaintiff did respond to the motion.

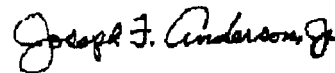
February 24, 2010. On March 1, 2010 (after the Report was mailed to the parties), the plaintiff filed a notice with the Clerk indicating his change of address from the South Carolina Department of Corrections to a residential address in Scottsdale, Arizona. Shortly thereafter, the Report originally mailed to the plaintiff was returned to the Clerk, marked "return to sender." The Clerk then re-mailed the Report on March 15, 2010 to the plaintiff's new address in Scottsdale, Arizona.

As of the date of this order, the plaintiff had not filed any objections to the Report within the time limits prescribed.

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation proper and incorporated herein by reference. Accordingly, the defendants' motion for summary judgment is granted.

IT IS SO ORDERED.

April 13, 2010
Columbia, South Carolina

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.
United States District Judge